

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action No.: 03-12560RGS

DAVID DEITZEL)
Plaintiff,)
vs.)
SPRINGFIELD TERMINAL)
RAILWAY COMPANY AND)
GUILFORD RAIL SYSTEMS)
Defendant.)

JOINT STATEMENT

I. STATEMENT OF THE CASE

This case involves a Federal Employers' Liability Act claim brought by the plaintiff, David Deitzel, against his employer, Springfield Terminal Railway Company.

The plaintiff alleges that he suffered injuries including to his left shoulder and neck due to a workplace accident.

II. JOINT DISCOVERY PLAN

The attorneys for the Defendant propose a Pretrial Schedule as follows:

1. All discovery shall be completed by January 28, 2005.
2. All experts for the plaintiff shall be designated no later than February 25, 2005 pursuant to 26(9)(2)(B).
3. All experts for the defendant shall be designated no later than April 29, 2005.
4. Rule 36 Requests to be completed by May 23, 2005.
5. All expert depositions shall be completed by May 30, 2005.
6. All Motions for Summary Judgment shall be filed by June 15, 2005.
7. All Oppositions to Motions for Summary Judgment shall be filed by July 29,

2005.

8. A Final Pretrial Conference shall be held on or before September 14, 2005 or other date to be set at the convenience of the Court.

III. JOINT STATEMENT

Attorney for the defendant, John J. O'Brien, Jr., and attorney for the plaintiff, Mario Bozza, have conferred concerning the above-stated discovery schedule and expenses.

Counsel for the parties have discussed the informal exchange of discovery to reduce the parties' litigation costs and agree that the agenda at the scheduling conference should include a discussion of the liability and damage issues involved in this litigation.

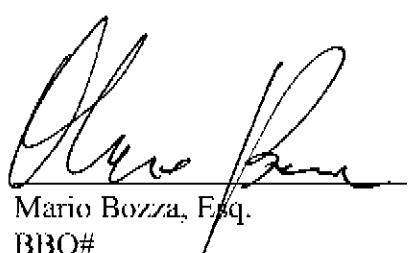
The parties further respectfully suggest that it is premature for the Court to be involved in settlement discussions.

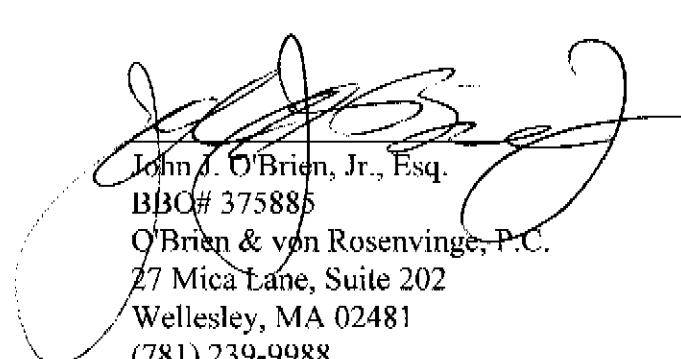
The parties cannot agree at this time to a trial by Magistrate at this time.

Respectfully submitted:

By the plaintiff,
David Deitzel,
By his attorney,

By the defendant,
Springfield Terminal Railway
Company,
By its attorney,


Mario Bozza, Esq.
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